

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv100

MARY CARTER,

Plaintiff,

vs.

**THE ALLEN LAW FIRM, P.L.L.C.)
and PORTFOLIO RECOVERY)
ASSOCIATES LLC,)**

Defendants.)

ORDER

THIS MATTER is before the Court *sua sponte*.

On May 13, 2010, the Plaintiff Mary Carter filed this action against the Defendants The Allen Law Firm, P.L.L.C. and Portfolio Recovery Associates LLC. [Doc. 1]. To date, there is nothing in the record to indicate that the Plaintiff has served the Defendants.

Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that

service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

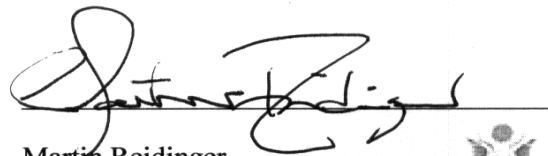
The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for her failure to effect service of the Summons and Complaint on the Defendants within ten (10) days from service of this Order, the Plaintiff's action against these Defendants shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within ten (10) days of service of this Order for the failure to effect service on the Defendants The Allen Law Firm, P.L.L.C. and Portfolio Recovery Associates LLC; and

IT IS FURTHER ORDERED that failure of the Plaintiff to respond in writing within ten (10) days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: September 21, 2010


Martin Reidinger
United States District Judge

